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HANSEN BEVERAGE COMPANY
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 HANSEN BEVERAGE COMPANY, a
Delaware corporation,

12
13 Petitioner,

14 v.

15 DSD DISTRIBUTORS, INC., a Wisconsin
corporation

16 Respondent.
17

CASE NO. 08-CV-0619 LAB (RBB)

**EX PARTE APPLICATION TO FILE
DOCUMENT UNDER SEAL¹**

Date: June 9, 2008
Time: 11:15 a.m.

Hon. Larry A. Burns

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27 ¹ Filed concurrently with Petitioner Hansen Beverage Company's Opposition to Motion to Dismiss or Stay
28 Petition to Confirm Arbitration Award.

1 Pursuant to Local Rule 79.2 and the Protective Order entered in the underlying
2 arbitration on September 20, 2007,² Petitioner Hansen Beverage Company ("Petitioner")
3 hereby applies *ex parte* to this Court for leave to file under seal the report entitled
4 "Confidential Calculation of Damages to DSD Distributors, Inc. Resulting From Loss of the
5 Right to Distribute Products of Hansen Beverage Company" prepared by Ippolito Christon &
6 Co. and dated December 28, 2007 (the "Expert Report"). Petitioner seeks to file the Expert
7 Report in connection with its opposition to the motion to dismiss or stay filed by Respondent
8 DSD Distributors, Inc. ("DSD"). DSD submitted the Expert Report as evidence during the
9 arbitration proceedings underlying the Petition to Confirm in this action.

10 Petitioner seeks to file this document under seal because it comprises and contains
11 Confidential Information under the terms of the September 20, 2007 Protective Order
12 entered in the underlying arbitration. The Protective Order provides that "the arbitration
13 proceedings, and all matters disclosed therein, are confidential." Protective Order, 1:27-2:1.

14 A Proposed Order is submitted herewith.

15 DATED: May 23, 2008

SOLOMON WARD SEIDENWURM & SMITH, LLP

17 By: /s/ Tanya M. Schierling
18 RICHARD E. MCCARTHY
19 TANYA M. SCHIERLING
Attorneys for Petitioner
HANSEN BEVERAGE COMPANY

27 ² Copy previously filed with the Court on April 4, 2008 in connection with another application to file under
28 seal.

CERTIFICATE OF SERVICE

I caused the **EX PARTE APPLICATION TO FILE DOCUMENT UNDER SEAL** to be served in the following manner:

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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